

REMARKS

Claims 1-30 and 32-36 are pending in this Application. Though no claims have been amended with this Response, Applicant respectfully presents the above claim listing for the Examiner convenience. The Examiner's rejections will now be respectfully addressed in turn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-15, 18-20, and 32-36 are rejected under 35 U.S.C. 102(b) as being obvious over United States Publication No. 2003/0231607 to Scanlon in view of United States Publication No. 2003/028685 to Mahany and United States Patent No. 7,231,221 to Assarsson. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references, and some expectation of success in making the suggested modification or combination. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 had been previously amended to recite *inter alia*,

“transmitting a signal from a transmitter to a receiver *on a non-periodical basis* at a time indicated by a previous signal transmitted from the transmitter and received by the receiver, the transmitter signal including a message frame having a message part indicative of a time of transmission for a later signal,” and

Applicant's claim 22 had been similarly amended to recite *inter alia*,

“at least one transmitter configured to be able to include a message part indicative of a time of transmission for a later signal when transmitting a transmitter signal *on a non-periodical basis* at a time indicated by a previous signal transmitted from the transmitter and received by the receiver.”

In light of the above claim elements, Applicant first notes that the Examiner has cited Assarsson in an attempt to remedy the deficiencies of Scanlon and Mahany with regards to “transmitting a signal from a transmitter to a receiver *on a non-periodical basis*.” In Response to this allegation, Applicant respectfully submits that Assarsson fails to remedy the deficiencies of Scanlon and Mahany in such a manner.

On the contrary, Assarsson teaches an access scheme in a communication system where a central control station transmits beacon messages (please see Fig. 3 and col. 6, lines 16 – 54) that can be divided into beacon groups (i.e. the three beacon groups A, B and C as shown in fig. 3) corresponding to the terminals or slaves being divided into groups A, B and C, (please see the three traces shown in fig. 3 below the beacon signals). As is shown in Fig. 3 and explained in col. 6, the beacon messages A, B and C are transmitted with regular intervals of T_0 seconds, (i.e. with a fixed period and thus on a periodical basis). The beacon messages A and B are each transmitted with fixed intervals, the messages A being with a fixed interval T_A of 3 times T_0 , while the messages B are transmitted with a fixed interval T_B of 6 times T_0 . The terminals or slaves in group A may wake up to all A messages as shown for the terminal 320 and for every other A message as shown for the terminal 325. Thus, these terminals also operate on a periodical basis. The Group B terminals and Group C terminals also wake up for every B message and interval corresponding to the beacon message interval T_0 respectively. Thus, these groups are also operating on a periodical basis.

Applicant respectfully notes the Examiner allegation in the Office Action (at page 4, line 9 from the bottom to line 3 from the bottom) that the group A terminal 325 wakes up only every two beacon transmissions A, but that it can choose to wake up at any beacon A (corresponding to the disclosure of col. 7, lines 12 – 20), which allegedly illustrates the irregularity of beacon transmissions.

In response to this particular allegation, Applicant respectfully asserts that this teaching in Assarsson does not demonstrate an irregularity of beacon transmissions because the beacon messages A are transmitted with fixed intervals (i.e. with a fixed period and on a periodical basis), which is unaffected by the terminal 325 waking up or not. Thus, it is submitted that the A beacon messages are transmitted on a periodical basis.

Furthermore, in the example mentioned by the Examiner, it is noted that if the terminal 325 should wake up at any beacon, this waking occurs because the terminal desires to transmit data to the central control station out of the ordinary beacon pattern scheduled for terminal 325. Thus, this transmission is out of the control of the central control station and bears no relevance to Applicant's, transmission of a signal from a transmitter to a receiver on a non-periodical basis at a time indicated by a previous signal transmitted from the transmitter and received by the receiver. Thus, the example from Assarsson mentioned by the Examiner is respectfully irrelevant to Applicant's claims as presently recited.

With regards to Scanlon and Mahany, Applicant again and respectfully notes that Scanlon relies on cyclically repeated frames with fixed lengths (i.e. periodically repeated frames), which are divided into slots. The slave units have to be synchronized with the transmitter during each and every registration beacon, and thus the slave units have to be in listening mode at least every time a registration beacon is transmitted from the receiver, as well as in cases where a specific slave unit is not wanted for communication during a superframe. This is not optimal, for example in cases where communication with one or more slave units is seldom and/or scarce.

On the contrary, teachings like Scanlon are at a disadvantage in that the receivers of slave units have to be active not only when receiving or transmitting the data packets, but also when all registration beacons are transmitted, thereby giving rise to an undesirable power consumption. Applicant endeavours to solve such a problem/disadvantage by transmitting signals from a transmitter to a receiver in a manner that allows the power consumption/efficiency to be optimized, and a high degree of flexibility (in particular with regards time periods between transmittals) is achieved.

The above is made possible via transmittal intervals that need not be fixed, and the freedom of all receivers to not have to be activated periodically with one and the same period.

Assarsson does not address the above, since, as mentioned above, the terminals according to Assarsson need to wake up at least according to fixed pattern, and therefore cannot, for example, extend an interval on a dynamic basis (it will for example not be possible to omit one of the listening periods for the “325”-terminal).

As is already mentioned in the description of the present application, Applicant's exemplary method and the system are particularly important to applications where flexibility is important (i.e. where very frequent communication may not be necessary, at least not for all receivers), and where fast updating of measured values, control signals, interrogation etc. may not be not necessary.

Further, in many applications it is desirable to be able to arrange the distance between polling times arbitrarily (i.e. in view of the particular needs) and optionally specified individually for receivers. Thus, at certain times the polling may be performed often, while at other times the polling may be performed with relatively large intervals (i.e. with a very flexible and individually operational mode).

The above cannot be solved by Scanlon, since this prior is related to a cyclic and periodic operation based on periods with fixed lengths. Thus, the receiver as well as the transmitter has to be active for every registration beacon even though there is no need to transmit any signals, and similarly, there is no possibility of enhancing or lowering the polling frequency. Thus, a flexible adaptation to various needs while maintaining a low power consumption cannot be achieved by this prior art.

For at least the above reasons, Applicant respectfully submits that Applicant's claims 1-15, 18-29, and 32-36 are not obvious over the proposed combination of Scanlon, Mahany, Assarsson.

Claims 16 and 17 are also rejected under 35 U.S.C. 103(a) as being obvious over Scanlon in view of Mahany, Assarsson, and United States Patent No. 6,570,857 to Haartsen. Applicant respectfully traverses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references, and some expectation of success in making the suggested modification or combination. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant respectfully notes that claims 16 and 17 depend from claim 1. As Haartsen does not remedy the deficiencies of Scanlon, Mahany, and Assarsson (and is not used as such by the Examiner), for at least the above discussed reasons Applicant's claims 16 and 17 are not obvious over the proposed combination of Scanlon, Mahany, Assarsson,

and Haartsen.

Conclusion

All of the objections and rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicant's attorney at the below listed phone number regarding this response or otherwise concerning the present application.

Applicant hereby petitions for any extension of time necessary under 37 C.F.R. 1.136(a) or 1.136(b) for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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